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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,058	02/08/2002	Satoshi Nakamura	FUSA 19.421	1168

7590 10/18/2004  
Rosenman & Colin LLP  
575 Madison Avenue  
New York, NY 10022-2585

EXAMINER

LELE, TANMAY S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/072,058

Applicant(s)

NAKAMURA ET AL.

Examiner

Tanmay S Lele

Art Unit

2684

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 3-12

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

Tanmay Lele  
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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 29 June 2004 have been fully considered but they are not persuasive.

Regarding claims 3, 5, and 6, Applicant attempts to overcome the rejection by stating, "Kansakoski describes the 'routine' where the amplitude of the received signal is sampled and the difference between successively sampled amplitudes is monitored," and continues with "There is no description related to mutually adjacent reception levels relating to multipath signals." Examiner respectfully disagrees that there is no description related to mutually adjacent reception levels relating to multipath signals. Note that Kansakoski, among other concepts, teaches of mobile movement (column 4, lines 5 –8) and it is well known in the art that multipath (commonly defined as multiple versions of the signal arriving at the mobile's antenna, displaced with respect to one another in time and spatial orientation) can result from a mobile's movement. Continuing, Kansakoski alludes to the cited process (starting column 9, line 66 and ending column 10, line 13) as occurring in one finger (column 9, lines 37 –41, a finger defined in column 48 –52) and further states the extension specifically with respect to multipath signals in different fingers (column 14, lines 6 –18).

Continuing, note that Kansakoski teaches of "The difference between successively sampled amplitudes of the received communication signal is monitored," (column 10, lines 1 –3) and via equation 2, the combination (summation) of successive data points (respectfully believed to be from the  $i$  and  $i+1$ , noted from equation 2; note further the definition of the  $y(i)$  in line 13 as it relates to the received signal).

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Applicant further notes that, "Kansakoski disclose forward link closed loop power control in which power control circuitry in a wireless telecommunication mobile station derives power control commands based upon the Doppler Shift of a carrier transmitted from a bases station or a velocity shift of a carrier transmitted from a base station, a velocity derived from the Doppler shift and a transmitted device transmits the power control commands to the base station."

Examiner respectfully cites the Kansakoski does allude to SNR as a potential considering factor to the power control commands (as per column 7, lines 46 –54), for completeness.

Hence, as no specific comments with respect claims 4, 8-10, and 12 have been made, Examiner is not persuaded that Kansakoski, when viewed with Nakano as cited in the previous Office Action (mailed 1/29/04), do not teach or recite the claimed as presented and broadly interpreted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

✓  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
October 5, 2004

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER